

SENATE BILL No. 176

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-7-4; IC 36-9-27-114.

Synopsis: Approval of drainage plan by county surveyor. Prohibits a county plan commission from approving a plat, a secondary approval of a plat, or issuing an improvement location permit unless a drainage plan for the site has been submitted and approved by the county surveyor. Requires the county surveyor to respond within 30 days unless another period is set by local ordinance.

Effective: July 1, 1998.

Wheeler

January 6, 1998, read first time and referred to Committee on Natural Resources.



Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

SENATE BILL No. 176

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-7-4-702 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 702. (a) In determining
3 whether to grant primary approval of a plat, the plan commission shall
4 determine if the plat or subdivision qualifies for primary approval
5 under the standards prescribed by the subdivision control ordinance.
6 (b) The subdivision control ordinance must specify the standards by
7 which the commission determines whether a plat qualifies for primary
8 approval. The ordinance must include standards for:
9 (1) minimum width, depth, and area of lots in the subdivision;
10 (2) public way widths, grades, curves, and the coordination of
11 subdivision public ways with current and planned public ways;
12 and
13 (3) the extension of water, sewer, and other municipal services.
14 The ordinance may also include standards for the allocation of areas to
15 be used as public ways, parks, schools, public and semipublic
16 buildings, homes, businesses, and utilities, **and** any other standards
17 related to the purposes of this chapter.

1998

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1 (c) The standards fixed in the subdivision control ordinance under
 2 subsection (b) may not be lower than the minimum standards
 3 prescribed in the zoning ordinance for a similar use.

4 (d) As a condition of primary approval of a plat, the commission
 5 may specify:

- 6 (1) the manner in which public ways shall be laid out, graded, and
 7 improved;
- 8 (2) a provision for water, sewage, and other utility services;
- 9 (3) a provision for lot size, number, and location;
- 10 (4) a provision for drainage design; and
- 11 (5) a provision for other services as specified in the subdivision
 12 control ordinance.

13 (e) The subdivision control ordinance may not regulate
 14 condominiums regulated by IC 32-1-6.

15 **(f) ADVISORY-AREA. The plan commission shall not approve**
 16 **a primary plat until the primary overall drainage plan for the plat,**
 17 **including storm water runoff rates, is approved by the county**
 18 **surveyor.**

19 SECTION 2. IC 36-7-4-709 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 709. (a) Secondary
 21 approval under section 710 of this chapter may be granted to a plat for
 22 a subdivision in which the improvements and installments have not
 23 been completed as required by the subdivision control ordinance, if:

24 (1) the applicant provides a bond, or other proof of financial
 25 responsibility as prescribed by the legislative body in the
 26 subdivision control ordinance, that:

- 27 (A) is an amount determined by the plan commission or plat
 28 committee to be sufficient to complete the improvements and
 29 installations in compliance with the ordinance; and
- 30 (B) provides surety satisfactory to the plan commission or plat
 31 committee; or

32 (2) with respect to the installation or extension of water, sewer, or
 33 other utility service:

- 34 (A) the applicant shows by written evidence that it has entered
 35 into a contract with the political subdivision or utility
 36 providing the service; and
- 37 (B) the plan commission determines based on written evidence
 38 that the contract provides satisfactory assurance that the
 39 service will be installed or extended in compliance with the
 40 subdivision control ordinance.

41 (b) Any money received from a bond or otherwise shall be used only
 42 for making the improvements and installments for which the bond or



1 other proof of financial responsibility was provided. This money may
 2 be used for these purposes without appropriation. The improvement or
 3 installation must conform to the standards provided for such
 4 improvements or installations by the municipality in which it is located,
 5 as well as the subdivision control ordinance.

6 (c) The plan commission shall, by rule, prescribe the procedure for
 7 determining whether all improvements and installations have been
 8 constructed and completed as required by the subdivision control
 9 ordinance. The rule must designate the person or persons responsible
 10 for making the determination.

11 **(d) ADVISORY-AREA. The plan commission shall not approve**
 12 **a secondary plat until the drainage plan and construction plans are**
 13 **approved by the county surveyor.**

14 SECTION 3. IC 36-7-4-801 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 801. (a) ADVISORY.
 16 A structure may not be located and an improvement location permit for
 17 a structure on platted or unplatted land may not be issued unless the
 18 structure and its location conform to the municipal zoning ordinance.
 19 However, if the land is unincorporated land that lies within a county
 20 that has adopted a zoning ordinance, then the municipal zoning
 21 ordinance does not apply and the structure must conform to the county
 22 zoning ordinance. A municipality, having adopted a zoning ordinance,
 23 may issue and control improvement location permits on unincorporated
 24 lands within the jurisdiction of its municipal plan commission if the
 25 lands lie within a county that has not adopted a zoning ordinance.

26 (b) AREA) METRO. A zoning ordinance, a subdivision ordinance,
 27 or a separate ordinance may require the procurement of:

- 28 (1) an improvement location permit for the erection, alteration, or
 29 repair of any structure on platted or unplatted land; and
- 30 (2) an occupancy permit for the use of any structure or land
 31 regulated by a zoning ordinance, subdivision ordinance,
 32 thoroughfare ordinance, or other ordinance relating to land use.

33 If such a provision is adopted, a structure may not be located and a
 34 permit may not be issued unless the use, character, and location of the
 35 structure is in conformity with the applicable ordinance.

36 (c) AREA. The ordinance under subsection (b) must contain a
 37 schedule of fees and must provide that the unit that issues the permit
 38 shall receive the fee and pay it into its general fund.

39 **(d) ADVISORY-AREA. An improvement location permit shall**
 40 **not be issued for structures or improvements that exceed five**
 41 **hundred (500) square feet until the drainage plan for the site is**
 42 **approved by the county surveyor.**



1 SECTION 4. IC 36-9-27-114 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 1998]: **Sec. 114. (a) This section applies**
4 **whenever a person is required to submit a drainage plan to a**
5 **county surveyor under IC 36-7-4-702(f), IC 36-7-4-709(d), or**
6 **IC 36-7-4-801(d).**
7 **(b) Unless a different period is provided under local ordinance,**
8 **the county surveyor shall convey the decision regarding approval**
9 **of the plans to the person who submitted the plans not later than**
10 **thirty (30) days after the date the plans are submitted to the**
11 **surveyor.**

